

MEMORANDUM  
TO THE HONORABLE ALLYNE R. ROSS  
United States District Judge

RE: Mathew Coplan

DOCKET NO.: 02-CR-319(S-1)-01

Clarification of Sentence

Reference is made to the September 8, 2005, Violation of Probation hearing, wherein the offender pled guilty to violating the conditions of probation. Your Honor subsequently ordered the offender to remain on probation, with the following modification of the conditions of supervision: 1) for a period of 6 months, the defendant shall remain in his home of record. The defendant is only authorized to leave for employment or other necessary activities with the approval, in advance, of the Probation Department. The home confinement period shall commence on a date approved by the Probation Department. While serving the period of home confinement, the defendant shall wear an electronic monitoring bracelet or similar tracking device and follow all requirements and procedures established for Home Confinement by the Probation Department and the Administrative Office of U.S. Courts. In addition, the defendant shall pay the costs of home confinement, including the price of electronic monitoring equipment, to the degree he or she is reasonably able. The defendant shall disclose all financial information and documents to the Probation Department to assess his ability to pay; 2) the defendant is prohibited from accessing pornographic websites of any kind, including websites depicting images of nude adults or minors. Recently, the Probation Department noticed that the amended Judgement and Commitment Order fails to list the condition of six months home confinement. Therefore, the Probation Department requested the Court minutes from the hearing, which reflect Your Honor's statements as follows, "then I will not revoke supervision, but I will add as a special condition of supervision six months of home detention." (See Attachment 1 - page 4).

The Probation Department believes, and the minutes corroborate, that it was Your Honor's intention to order a six month term of home detention. As such, Coplan was placed on home detention, and has completed five months. Therefore, we would respectfully request an amended Judgement and Commitment Order.

RESPECTFULLY SUBMITTED:

TONY GAROPPOLO  
CHIEF U.S. PROBATION OFFICER

PREPARED BY: Lawrence M. Andres, Jr.  
Lawrence M. Andres, Jr.  
Senior U.S. Probation Officer

APPROVED BY: Joseph Franco  
Joseph Franco  
Supervising U.S. Probation Officer

Order special condition for  
six months home detention:

✓  
U.S. District Judge

3/3/06  
Date

Other:

\_\_\_\_\_  
U.S. District Judge

\_\_\_\_\_  
Date

March 2, 2006

<div>1</div> <div>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK</div> <div>----- X</div> <div>UNITED STATES OF AMERICA : CR 02-319</div> <div>-against- : U.S. Courthouse</div> <div> : Brooklyn, New York</div> <div>MATTHEW COPLAN</div> <div>Defendant : September 8, 2005</div> <div>----- X : 3:00 p.m.</div> <div>BEFORE: HONORABLE ALLYNE R. ROSS United States District Judge</div> <div>APPEARANCES:</div> <div>For the Government: ROSLYNN R. MAUSKOPF, ESQUIRE United States Attorney One Pierrepont Plaza Brooklyn, New York 11201 BY: NICOLE BOECKMANN Assistant U.S. Attorney</div> <div>For the Defendant: STEVEN ZISSOU, ESQUIRE</div> <div>U.S.P.O. LAWRENCE ANDRES</div> <div>Court Reporter: RONALD E. TOLKIN, RMR Official Court Reporter 225 Cadman Plaza East Brooklyn, New York 11201</div> <div>Minutes Taken Stenographically. Transcript Produced By Computer Aided Transcription.</div> <div>RONALD E. TOLKIN, RMR OFFICIAL COURT REPORTER</div>	<div>3</div> <div>1 conditions of your probation that you not use a computer to</div> <div>2 access any kind of pornographic web sites promoting sexual</div> <div>3 abuse of children, and cooperate with the Probation Department</div> <div>4 in complying.</div> <div>5 In fact, did you violate that condition?</div> <div>6 THE DEFENDANT: Yes, Your Honor.</div> <div>7 THE COURT: Did you without the permission of the</div> <div>8 Probation Department access such sites?</div> <div>9 THE DEFENDANT: Yes, Your Honor.</div> <div>10 THE COURT: Are you entering a guilty plea knowingly</div> <div>11 and voluntarily?</div> <div>12 THE DEFENDANT: Yes, Your Honor.</div> <div>13 THE COURT: Has anyone forced or coerced you in</div> <div>14 anyway to do this?</div> <div>15 THE DEFENDANT: No.</div> <div>16 THE COURT: I find that Mr. Coplan's plea to the</div> <div>17 specification in the violation is knowingly and intelligently</div> <div>18 made. I find that the plea may be made.</div> <div>19 As to a disposition?</div> <div>20 MS. BOECKMANN: Your Honor, after consultation with</div> <div>21 the Probation Department, the government is recommending the</div> <div>22 defendant be placed on six months house arrest. That all of</div> <div>23 the current conditions remain in place. However, that the</div> <div>24 Court modify or expand the condition regarding the defendant's</div> <div>25 access to pornographic web sites to be slightly broader, to</div> <div>RONALD E. TOLKIN, RMR OFFICIAL COURT REPORTER</div>
<div>2</div> <div>1 THE CLERK: United States versus Matthew Coplan</div> <div>2 CR 02-319. Counsel, please state your names.</div> <div>3 MS. BOECKMANN: Good afternoon, Your Honor.</div> <div>4 Nicole Boeckmann for the United States.</div> <div>5 MR. ZISSOU: Steve Zissou for Mr. Coplan.</div> <div>6 Good afternoon, Your Honor.</div> <div>7 THE COURT: Good afternoon.</div> <div>8 MR. ZISSOU: Judge, can I invite Mr. and Mrs. Coplan</div> <div>9 to sit at counsel table so that they can hear?</div> <div>10 THE COURT: Sure.</div> <div>11 PROBATION OFFICER: Lawrence Andres for the</div> <div>12 probation department.</div> <div>13 A-N-D-R-E-S.</div> <div>14 THE COURT: Mr. Zissou, what does your client wish</div> <div>15 to do?</div> <div>16 MR. ZISSOU: Judge, he would like to accept</div> <div>17 responsibility for the violation. We are all pretty much in</div> <div>18 agreement as to a recommendation for the Court. Hopefully,</div> <div>19 you will be willing to consider it as part of the resolution</div> <div>20 of this case. He is prepared to go forward and enter a plea</div> <div>21 of guilty to the violation.</div> <div>22 THE COURT: Mr. Coplan, you understand what the</div> <div>23 charge in the violation is?</div> <div>24 THE DEFENDANT: Yes, Your Honor.</div> <div>25 THE COURT: It is that you failed to comply with the</div> <div>RONALD E. TOLKIN, RMR OFFICIAL COURT REPORTER</div>	<div>4</div> <div>1 state that the defendant is prohibited from accessing</div> <div>2 pornographic web sites of any kind including web sites</div> <div>3 depicting images of nude adults or minors.</div> <div>4 MR. ZISSOU: Yes, Your Honor.</div> <div>5 THE COURT: That is a matter of agreement?</div> <div>6 MR. ZISSOU: Yes.</div> <div>7 Judge, I thought the first set of conditions were</div> <div>8 slightly confusing. I spoke to the Probation Department about</div> <div>9 making them as clear as possible so that there is no doubt</div> <div>10 about it. This is clearly with our agreement that the</div> <div>11 condition should be a little bit more explicit.</div> <div>12 THE COURT: Then I will not revoke supervision, but</div> <div>13 I will add as a special condition of supervision six months of</div> <div>14 home detention.</div> <div>15 I assume that is with electronic monitoring?</div> <div>16 PROBATION OFFICER: Yes, Your Honor.</div> <div>17 MR. ZISSOU: Judge, there is -- Mr. Coplan has</div> <div>18 prepared something.</div> <div>19 THE COURT: I am sorry that I didn't ask him.</div> <div>20 Actually, I understand from the Probation Department that he</div> <div>21 recently has written something.</div> <div>22 MR. ZISSOU: One of the ways they have done so is</div> <div>23 encouraging him to write things. He is a fabulous writer and</div> <div>24 it helps him.</div> <div>25 So I will encourage him to read what he has</div> <div>RONALD E. TOLKIN, RMR OFFICIAL COURT REPORTER</div>

5

1 prepared.

2 THE COURT: I would very much like to hear him.

3 MR. ZISSOU: He worked on it for sometime. If Your

4 Honor allows him, it is very short.

5 THE COURT: It is all right.

6 THE DEFENDANT: Your Honor, it is a little more than

7 two years ago when I first stood before you as my life was

8 most graciously spared. It is with deep sorry and much regret

9 that I stand here today. Over the past few months my life has

10 been turned about and twisted around, with me the memories of

11 the brightest future and the cold stark reality of the murky

12 presence.

13 Back in the beginning of April of 2005 I was an

14 independent college graduate. I was on the verge of writing a

15 dreamed internship with my favorite professional soccer team.

16 Another six months later, September is here, and

17 both my future and presence are intertwined by a severe set

18 back. I am determined that may be now more than ever to forge

19 ahead and see myself into a brighter day.

20 Through the unfortunate situation which I got myself

21 into I have learned quite a few things about myself and the

22 people around me. I have learn that I suffer from the

23 unfortunate but very manageable Trifecta of depression, OCD,

24 and fear success syndrome. These are things that I have all

25 endured in my life. But with the help of Doctor Casantas and

RONALD E. TOLKIN, RMR  
OFFICIAL COURT REPORTER

6

1 the entire support system provided to me I am determined to

2 stamp out my version of the axis of evil.

3 During these six months I have met several times

4 with an additional doctor who advises on the proper

5 medications to take.

6 I have recently taken up employment at Kohl's

7 Department Store as a stockroom worker. Though not glamorous

8 it is good honest hard work. Despite being a far cry from my

9 dream job of being a sports journalist in soccer I am happy to

10 have the opportunity.

11 So I stand before you today with the keen desire to

12 accept responsibility for my mistakes, and to move towards a

13 meaningful and productive existence both with the wonderful

14 life that this Court can help provide.

15 THE COURT: Mr. Coplan, I seriously hope that you

16 clearly are trying. I have every expectation that you will

17 succeed in this.

18 THE DEFENDANT: Thank you, Your Honor.

19 MR. ZISSOU: It is because, I think, of his

20 improvements over the last few months that I am going to

21 suggest the following. That is that Your Honor dispense with

22 the normal condition to having him on an electronic monitoring

23 bracelet. There are two reasons for that.

24 One is, I think, a matter of personal

25 responsibility. He should be able to do this. At the same

RONALD E. TOLKIN, RMR  
OFFICIAL COURT REPORTER

7

1 time be able to contribute to the household as he normally

2 does. That is walking the dog, which is very much apart of

3 their sort of rebuilding process and their family

4 organization.

5 His father needs help. Well, if it will snow he

6 needs his son to go out and shovel the snow. He also has a

7 job that calls on him at odd hours. They can call on him the

8 day before.

9 THE COURT: That I am sure he will be able to work

10 out with the Probation Department.

11 Let me say that it will come as no surprise to you

12 or Mr. Coplan that he has been singled out for really unusual

13 treatment in this case.

14 MR. ZISSOU: Yes, he has.

15 THE COURT: I think that the Probation Department

16 has recommended that as an appropriate sentence.

17 MR. ZISSOU: I am not so sure that they are asking

18 for electronic monitoring.

19 THE COURT: I think they are.

20 PROBATION OFFICER: Yes, we are.

21 MS. BOECKMANN: Yes.

22 MR. ZISSOU: Very well.

23 THE COURT: All right.

24 Am I correct that the conditions as set forth on

25 page nine are all of the additional conditions that are in

RONALD E. TOLKIN, RMR  
OFFICIAL COURT REPORTER

8

1 place?

2 Participate in mental health treatment. That

3 includes treatment for sexual disorders as approved by the

4 Probation Department. Contribute to the cost of services

5 rendered by a co-payment as approved by the Probation

6 Department.

7 As part of the treatment program the defendant shall

8 also participate in polygraph examinations to obtain

9 information necessary for risk management and correctional

10 treatment as approved by the Probation Department.

11 The defendant shall not use a computer.

12 Is this all correct?

13 PROBATION OFFICER: Yes.

14 THE COURT: Internet capable device and/or similar

15 electronic devices to access pornographic web sites or groups

16 that promote sexual abuse of children, and shall cooperate

17 with the Probation Department monitoring his complying

18 condition.

19 The cooperation shall include but not be limited to

20 identifying computer systems, internet capable devices and/or

21 similar electronics devices that the defendant has access to.

22 Allowing the installation of monitoring software or

23 hardware at the defendant's residence. Permitting random

24 inspections of the computer systems, internet capable devices,

25 and similar electronics devices under the defendant's control.

RONALD E. TOLKIN, RMR  
OFFICIAL COURT REPORTER

9

1 And the defendant is prohibited from accessing pornographic  
2 web sites of any kind including web sites depicting nude  
3 adults or minors.  
4 MS. BOECKMANN: Your Honor, additionally, it is my  
5 understanding from Mr. Andres that there was also a search  
6 condition initially imposed. We would like that to be in  
7 place as well, the standard search conditions.  
8 PROBATION OFFICER: Your Honor imposed that on your  
9 original sentence. We just forgot to add that to the Court.  
10 MR. ZISSOU: There is no objection.  
11 THE COURT: What was it?  
12 PROBATION OFFICER: The standard search condition.  
13 THE COURT: Yes.  
14 The same standard search condition is imposed.  
15 MR. ZISSOU: You will allow Mr. Andres to determine  
16 when the monitoring period will start?  
17 THE COURT: They will work it out.  
18 PROBATION OFFICER: Thank you, Your Honor.  
19 MR. ZISSOU: Thank you, Your Honor.  
20 MS. BOECKMANN: Thank you, Your Honor.  
21 (Whereupon the matter was concluded.)  
22  
23  
24  
25

RONALD E. TOLKIN, RMR  
OFFICIAL COURT REPORTER

10

1 INDEX  
2  
3 WITNESSES: PAGES:  
4 None  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

RONALD E. TOLKIN, RMR  
OFFICIAL COURT REPORTER

11

1 EXHIBITS  
2 NUMBER PAGE  
3 None  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

RONALD E. TOLKIN, RMR  
OFFICIAL COURT REPORTER

12

I, RONALD E. TOLKIN, HEREBY CERTIFY THAT:  
(A) THE FOREGOING PAGES REPRESENT AN ACCURATE AND COMPLETE  
TRANSCRIPTION OF THE ENTIRE RECORD OF THE PROCEEDING BEFORE  
THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
NEW YORK, JUDGE ROSS PRESIDING IN THE MATTER OF UNITED STATES  
OF AMERICA AGAINST MATTHEW COPLAN AND (B) THESE PAGES  
CONSTITUTE THE ORIGINAL TRANSCRIPT OF THE PROCEEDING.  
THIS TRANSCRIPT CERTIFICATION IS VOID IF THE  
SIGNATURE IS NOT ORIGINALLY SIGNED BY THE COURT REPORTER WHO  
REPORTED THIS MATTER.  
  
RONALD E. TOLKIN, RMR  
OFFICIAL COURT REPORTER  
  
RONALD E. TOLKIN, RMR  
OFFICIAL COURT REPORTER